

Stark, David

From: Stark, David
Sent: Thursday, May 28, 2020 5:59 PM
To: Mitch Willoughby; Snowden, Ben
Cc: Grube-Lybarker, Carri; Dover, Becky; Kenneth.burgess@dominionenergy.com; matthew.gissendanner@dominionenergy.com; Jamey Goldin; Weston Adams; richard@rlwhitt.law; Edwards, Nanette; Pittman, Jenny; Belton T. Zeigler; J. Blanding Holman; Andrew R. Hand; seaton@spilmanlaw.com; dwilliamson@spilmanlaw.com; cgrundmann@spilmanlaw.com; Jeremy Hodges; Scott Elliott; lbowen@selcnc.org; mhutt@selcnc.org; Nelson, Jeff
Subject: Re: [External] RE: Procedural Schedule Docket No. 2019-184-E

Parties:

Thank you all for your input. I think the positions of the parties are fairly clear. I will make sure this matter - discussion, I suppose - is posted on DMS in the spirit of transparency.

Regards,
David Stark

From: Snowden, Ben <BSnowden@kilpatricktownsend.com>
Sent: Thursday, May 28, 2020 5:52:01 PM
To: Mitch Willoughby <mwilloughby@willoughbyhoefer.com>; Stark, David <david.stark@psc.sc.gov>
Cc: Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Dover, Becky <BDover@scconsumer.gov>; Kenneth.burgess@dominionenergy.com <Kenneth.burgess@dominionenergy.com>; matthew.gissendanner@dominionenergy.com <matthew.gissendanner@dominionenergy.com>; Jamey Goldin <Jamey.Goldin@nelsonmullins.com>; Weston Adams <weston.adams@nelsonmullins.com>; richard@rlwhitt.law <richard@rlwhitt.law>; Edwards, Nanette <nedwards@ors.sc.gov>; Pittman, Jenny <jpittman@ors.sc.gov>; Belton T. Zeigler <belton.zeigler@wbd-us.com>; J. Blanding Holman <bholman@selcsc.org>; Andrew R. Hand <ahand@willoughbyhoefer.com>; seaton@spilmanlaw.com <seaton@spilmanlaw.com>; dwilliamson@spilmanlaw.com <dwilliamson@spilmanlaw.com>; cgrundmann@spilmanlaw.com <cgrundmann@spilmanlaw.com>; Jeremy Hodges <jeremy.hodges@nelsonmullins.com>; Scott Elliott <sellott@elliottlaw.us>; lbowen@selcnc.org <lbowen@selcnc.org>; mhutt@selcnc.org <mhutt@selcnc.org>; Nelson, Jeff <jnelson@ors.sc.gov>
Subject: RE: [External] RE: Procedural Schedule Docket No. 2019-184-E

At the risk of getting into a protracted back-and-forth, I'd note that the procedural schedules for the proposed May 27-28 hearing were proposed on Feb. 20, about 14 weeks out. We have about 11 ½ weeks to work with now. Mr. Willoughby suggests that the difference should come entirely out of petitioners' allocated time (whether to prepare initial testimony, to prepare rebuttal testimony, or to prepare for the hearing). We think it'd be more fair to split the difference. So here is another alternative schedule that starts us a few days earlier and spreads the pain around a bit.

Thursday, June 18, 2020 – Petitioner's Testimony (+21 days from now)
Monday, July 13, 2020 – DESC and other intervenor testimony (+25 days)
Monday, July 27, 2020 – Petitioner's Surrebuttal Testimony (+14 days)
Friday, August 7, 2020 – DESC and other intervenor Surrebuttal testimony (+11 days)
Monday, August 17, 2020 – Hearing (+10 days)

Ben Snowden**Kilpatrick Townsend & Stockton LLP**

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bsnowden@kilpatricktownsend.com | [My Profile](#) | [vCard](#)**From:** Mitchell Willoughby <mwilloughby@willoughbyhoefer.com>**Sent:** Thursday, May 28, 2020 4:59 PM**To:** Stark, David <david.stark@psc.sc.gov>

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David,

In response to SBA, DESC notes that Mr. Snowden has totally retreated from the framework agreement the parties previously had and presented to the Commission when the hearing in this matter was scheduled for May 27-28. That said, if SBA wishes to file its initial testimony on June 19, DESC would respectfully request that the schedule be as follows:

June 19 - Direct Testimony of Intervenor/Petitioners

July 17 - Company Direct

July 27 – Rebuttal of Intervenor/Petitioners

August 10 – Surrebuttal of Company

If the Petitioners and other parties advocating for a term greater than 10 years for PPAs wish to delay the filing of their direct testimony, then they should be more than willing to sacrifice a few days in their time period for filing rebuttal testimony. Or if they wish a full two weeks for filing their rebuttal testimony, then they should file direct testimony on June 15 as DESC proposed, and they can recapture an additional four days for filing their rebuttal testimony. DESC anticipates needing a full four weeks from the filing of direct testimony in order to appropriately, timely, and effectively provide responding testimony and exhibits, and a full two weeks to file any surrebuttal testimony.

Please note that DESC's position on the timing of filing testimony by any party who intends to advocate for a term of greater than 10 years for PPAs remains as expressed in our email addressing ORS's request that it file testimony on the same time interval as DESC.

Thank you for considering this information. If there are any questions or if further information is needed, please advise. With warmest regards,

Mitch

Mitchell Willoughby, Esquire
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Subject: RE: [External] RE: Procedural Schedule Docket No. 2019-184-E

Dear David,

Thanks for the opportunity to provide input in on the procedural schedule. SBA would suggest a slightly different schedule that gives petitioners a few more days to file their direct testimony, and allows a few more days between submittal of the last testimony and the hearing. We believe that this is reasonable given that SBA will have two sets of testimony to file and two hearings to prepare for, all at the same time.

Friday, June 19, 2020 – Petitioner’s Testimony
Wednesday, July 8, 2020 – DESC and other intervenor testimony
Friday, July 24, 2020 – Petitioner’s Surrebuttal Testimony
Friday, August 7, 2020 – DESC and other intervenor Surrebuttal testimony

Monday, August 17, 2020 – Hearing

This schedule tracks the intervals in the procedural schedule we will jointly propose with Duke for 185-E and 186-E, except that it moves Petitioner’s surrebuttal deadline forward a few days to space out our DESC and Duke testimony deadlines (which also gives DESC more time before their surrebuttal is due).

SBA has no objection to ORS filing testimony on the same dates as DESC.

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David,

Consistent with the position which we voiced during the telephone conference regarding scheduling held several weeks ago, ORS believes that it should be permitted to file testimony last in accordance with the Order of Procedure provided in Commission Regulation 103-842(B). ORS is not the moving party, applicant or petitioner in this rehearing proceeding.

A scheduling Order providing that ORS testimony be due on the same date as the Company would also be consistent with a proposal currently being made by Duke Carolinas and Duke Progress in Dockets 2019-185-E and 2018-186-E wherein the Companies have proposed to the parties that the Petitioners testimonies should be filed first, followed by the Company and other intervenors testimony.

ORS therefore requests that under the dates proposed by Mr. Willoughby that ORS direct testimony be due on July 13th and its surrebuttal on August 10th. Such a schedule would be consistent with both the Commission Regulation and what we anticipate to be the schedules in the two other cases pending before the Commission addressing the contract length of purchase power agreements.

Thank you for allowing ORS the opportunity to present its position.

Jeffrey M. Nelson
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Subject: [External] RE: Procedural Schedule Docket No. 2019-184-E

David:

Thank you for the opportunity to provide input for the procedural schedule for the rehearing in Docket No. 2019-184-E. DESC believes, and therefore recommends, that the procedural schedule previously agreed to should be used, with, of course, date adjustments due to the passage of time. Keeping in mind your direction that surrebuttal testimony must be filed no later than close of business on Monday, August 10, DESC calculates the schedule, using the same framework as previously agreed to, as follows:

June 15 - Direct Testimony of Intervenor/Petitioners
 July 13 - Company Direct
 July 27 - Rebuttal of Intervenor/Petitioners
 August 10 - Surrebuttal of Company

DESC continues to urge the Commission to require any party that intends to recommend a contract term for PPAs longer than 10 years to file its direct and rebuttal testimony on the same dates as the intervenor/petitioners. If this requirement is not invoked, then the Company reserves the right to file testimony to rebut any such late filing. This right to file rebuttal testimony would almost invariably require a postponement of the hearing date of August 17, 2020.

If further information is needed, please advise. With warmest regards,

Mitch



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From: Stark, David <david.stark@psc.sc.gov>

Sent: Friday, May 22, 2020 2:32 PM

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Subject: Procedural Schedule Docket No. 2019-184-E

Parties:

As you are aware, the Commission has recently scheduled the rehearing for Dominion in Docket No. 2019-184-E to begin on August 17, 2020. As a result, I would like input from the parties about a preferred procedural schedule. If you all would like to propose a (hopefully mutually agreeable) procedural schedule, I would ask that such proposal be submitted next week. I understand it is a holiday week, and if this poses a significant problem, I am sure I can accommodate.

The only requirement for procedural scheduling that I have is that Surrebuttal Testimony must be scheduled for submission no later than one week before the start of the hearing. In this case, since the hearing is to begin on Monday, August 17, I would need Surrebuttal Testimony on Monday, August 10.

In short: I would like to set a proposed procedural schedule date of May 28, at close of business. There is flexibility in this date, but I would just remind the parties that time passes quickly, and the more time that passes the tighter the procedural schedule will be.

Please be sure to have a safe holiday. I look forward to hearing from you.

Regards,

David Stark
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